

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6361

BILL NUMBER: HB 1135

NOTE PREPARED: Dec 13, 2011

BILL AMENDED:

SUBJECT: Regulation of Animal Health.

FIRST AUTHOR: Rep. Lehe

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill changes the membership of the Board of Animal Health (BOAH) to allow a person who holds or is affiliated with an organization that holds: (1) a license issued by the BOAH; (2) a grant of inspection issued to a meat processing establishment; or (3) a permit issued to a milk plant; to be appointed by the Governor to the BOAH.

Penalty Provision- The bill changes the penalty for a violation of BOAH statutes from a Class D felony to a Class B misdemeanor.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Penalty Provision:* This bill would reduce costs to the state if an offender is convicted of a misdemeanor rather than a felony. However, if there is any cost reduction, it is likely to be small. Offenders convicted of a misdemeanor who are given a prison term are generally incarcerated in county jails. However, a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor.

Background- During CY 2010, there were no persons committed to a Department of Correction (DOC) facility for a Class D felony violation of IC 15-17.

Explanation of State Revenues: *Penalty Provision:* The bill potentially reduces revenue to the Common School Fund (from higher felony fines) if additional misdemeanor court cases occur and a fine is assessed. However, the revenue reduction is likely to be very small. The maximum fine for a Class B misdemeanor

is \$1,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are the same.

Explanation of Local Expenditures: *Penalty Provision:* This bill could increase local expenditures if offenders are incarcerated in local jails rather than in state prisons. However, any expenditure increase is likely to be small. A Class B misdemeanor is punishable by up to 180 days in jail.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: DOC average daily membership statistics 2010.

Fiscal Analyst: Chris Baker, 317-232-9851.